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mainly to be feared. *Patsone v. Pennsylvania*, 232 U. S. 138. But, in view of recent events, undue ardor in restricting aliens may be expected and this tendency must be checked by the courts. Thus, a statute which prohibited the employment of aliens beyond a certain percentage of the total number of employees was properly declared unconstitutional. *Truax v. Raich*, 239 U. S. 33. However, a state may refuse to grant liquor licenses to aliens. *Trageser v. Gray*, 73 Md. 250, 20 Atl. 905. Or peddlers' licenses. *Commonwealth v. Hana*, 195 Mass. 262, 81 N. E. 149. *Contra, State v. Montgomery*, 94 Maine, 192, 47 Atl. 165. But not barbers' licenses. *Templar v. Board of Examiners*, 131 Mich. 254, 90 N. W. 1058. It seems proper, in the exercise of the police power, that the legislature primarily should decide whether there is sufficient reason to deny to aliens a given privilege. In the principal case, the restriction seems well within the discretion of the legislature.

CONTRIBUTORY NEGLIGENCE — STATUTORY ACTIONS — NEGLIGENCE OF AN EMPLOYEE OF A PROHIBITED CLASS. — A statute provided that no child under fourteen years of age should be employed to run an elevator. The plaintiff sues for injuries received while employed in violation of this statute. His injuries were partly the result of his own negligence. *Held*, that the plaintiff recover. *Karpeles v. Heine et al.*, 124 N. E. 101 (N. Y.).

Obviously, the decision is to be limited to cases where the plaintiff is one of a class which the violated statute intended to protect or benefit. Yet even in such cases the majority of the older decisions allowed the defense of contributory negligence. *Freeman v. Glens Falls Paper Mill Co.*, 70 Hun (N. Y.) 530; *Lee v. Stirling Silk Mfg. Co.*, 115 N. Y. App. Div. 589, 101 N. Y. Supp. 78. But the modern tendency is in accord with the principal case. *Strafford v. Republic Iron and Steel Co.*, 238 Ill. 371, 87 N. E. 358; *Lenahan v. Pittston Coal Mining Co.*, 218 Pa. 311, 67 Atl. 642. There is still, however, authority in support of the opposite view. See *Berdos v. Tremont & Suffolk Mills*, 209 Mass. 489, 95 N. E. 876, 879. It is submitted that the confusion arises from the attempt to treat the liability incurred by the violation of the statute in these cases as based on negligence, whereas it is really an absolute liability. This view is not without support. See *Lenahan v. Pittston Coal Mining Co.*, *supra*.

CORPORATIONS — CORPORATE STOCK — ATTACHMENT — REFUSAL TO ISSUE CERTIFICATES OF STOCK. — At a judicial sale under statutory provisions, the plaintiff bought shares of stock in a domestic corporation. The shares were owned by a nonresident, who at the time held the certificates outside of the jurisdiction. Thereupon the plaintiff demanded of the officers of the corporation that they issue to him new certificates. On their refusal he sued for the value of the stock. *Held*, that no statute imposed any duty on the corporation to transfer the stock upon its books. *Harris v. Mid-Continent Life Ins. Co.*, 182 Pac. 85 (Okla.).

Some courts hold, with the principal case, that stock is an intangible property right subject to attachment only at the situs of the corporation, and that the certificates are but evidence of ownership. *Maertens v. Scott*, 33 R. I. 356, 80 Atl. 369; *Barber v. Morgan*, 84 Conn. 618, 80 Atl. 791. The court admits that the purchaser at the attachment sale became a stockholder. As such he was entitled to a certificate. *Commercial Bank v. Kortright*, 22 Wend. (N. Y.) 348; *Nat'l Bank v. Watsontown Bank*, 105 U. S. 217; *Rio Grande Cattle Co. v. Burns*, 82 Texas, 50, 17 S. W. 1043. Without it his right practically was nonmarketable. See 1910 1 REV. LAWS OF OKLA., § 1237. Had the corporation issued the certificates to the plaintiff it would have incurred the risk of liability to a bona fide purchaser of the outstanding certificates. *Nat'l Bank v. Stribling*, 16 Okla. 41, 86 Pac. 512. See 2 COOK ON CORPORATIONS, 7 ed., § 489. The decision makes the assumption of this risk

unnecessary; but simultaneously it emasculates the statute which permitted the attachment of the stock. The difficulty in the principal case can be avoided by a statutory provision that only the certificates shall be attachable. See *UNIFORM TRANSFER OF STOCK ACT*, § 13. Such provision is consonant with business custom which regards the certificate as the *res*. See *Puget Sound Bank v. Mather*, 60 Minn. 362, 363, 62 N. W. 396, 397.

CORPORATIONS — PROMOTERS — CONTRACTS MADE FOR CORPORATION TO BE FORMED. — Certain promoters of a corporation to be formed agreed, *inter alia*, that if the plaintiff would transfer his interest in some mine property to one of the promoters, as trustee for himself and his associates, to be by him transferred to the corporation when formed, the corporation would give the plaintiff a one fifth interest in the completed enterprise. The plaintiff brought this bill against the corporation and the promoters for specific performance of the contract. *Held*, that it be granted. *Wallace v. Eclipse Pocahontas Coal Co. et al.*, 98 S. E. 293 (W. Va.).

In England it is settled that a corporation cannot ratify or adopt a contract made by promoters in its behalf before incorporation. *In re Northumberland Ave. Hotel Co.*, 33 Ch. D. 16; *Natal Land Co. v. Pauline Colliery Syndicate*, [1904] A. C. 120. The English rule is not without support in the United States. See *Abbott v. Hapgood*, 150 Mass. 248, 252, 22 N. E. 907, 908. But some American jurisdictions allow ratification on such facts. *Oakes v. Cattaraugus Water Co.*, 143 N. Y. 430, 38 N. E. 461; *Kaeppeler v. Redfield Creamery Co.*, 12 S. D. 483, 81 N. W. 907. Other states rely on a doctrine of adoption. *McArthur v. Times Printing Co.*, 48 Minn. 319. See *Robbins v. Bangor Ry. Co.*, 100 Me. 496, 501. Theoretically, the English rule seems correct. On the other hand, the result reached in the American cases is the desirable one. To reach this result without overthrowing fundamental principles of agency, several theories have been suggested. If there has been a novation effected between the corporation and the third party, all agree that the corporation is bound. *Snow v. Thompson Oil Co.*, 59 Pa. St. 209. See *Oldham v. Mt. Sterling Imp. Co.*, 103 Ky. 529, 531. Another theory advanced is that the original contract may be regarded as a continuing offer which, if not withdrawn, may be accepted by the corporation. *Pratt v. Oshkosh Match Co.*, 89 Wis. 406, 62 N. W. 84. See 14 HARV. L. REV. 536. Neither of these suggestions help to support the decision in the principal case. The bill is brought for the enforcement of the agreement made with the promoters and not of any contract made by the corporation itself.

CRIMINAL LAW — CONCURRENT JURISDICTION OF STATE AND UNITED STATES — SEDITION ACT. — A New Jersey statute made it a crime to incite hostility against the United States (N. J. LAWS, 1918, chap. 44, § 2). *Held*, statute is constitutional. *State v. Tachin*, 106 Atl. 145 (N. J.).

In the absence of a federal statute on the subject, a state may enact that an offense primarily against the United States is an offense against the state as well. *Halter v. Nebraska*, 205 U. S. 34. A state and the United States may have concurrent jurisdiction over a crime against both sovereignties, where the crime is covered by a federal statute and the state statute does not interfere with its operation. *State v. Holm*, 139 Minn. 267, 166 N. W. 181; see 40 STAT. AT L. 219, chap. 75, § 1. Each sovereign punishes the offense against itself.

CRIMINAL LAW — FORMER JEOPARDY — IDENTITY OF OFFENSES. — The defendant was indicted for a homicide that was the result of violence in the perpetration of a robbery. He had been previously convicted of the robbery, and he set up this former conviction as a defense. *Held*, a valid defense. *State v. Mowser*, 106 Atl. 416 (N. J.).